

(25,314)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1915.

No. 1031.

P. L. CRANE, APPELLANT,

vs.

HIRAM W. JOHNSON, GOVERNOR OF THE STATE OF
CALIFORNIA, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF CALIFORNIA.

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1 & 2 Supreme Court of the United States.

P. L. CRANE, Appellant,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Appellees.

TRANSCRIPT OF RECORD.

Upon Appeal from the District Court of the United States of America in and for the Southern District of California, Southern Division.

3 *Names and Addresses of Attorneys.*

For Appellant: Tom L. Johnston, Esq., 221 O. T. Johnson Building, Los Angeles, California.

For Appellees: U. S. Webb, Esq., Attorney General of the State of California, Sacramento, California; Robert M. Clarke, Esq., Assistant to the Attorney General of the State of California, Los Angeles, California; Thomas Lee Woolwine, Esq., District Attorney of the County of Los Angeles, Los Angeles, California; George E. Cryer, Esq., Deputy District Attorney of the County of Los Angeles, Los Angeles, California.

4 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California; Thomas Lee Woolwine, District Attorney of Los Angeles County, Defendants.

Citation on Appeal.

UNITED STATES OF AMERICA, ss:

To HIRAM W. Johnson, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney in and for the County of Los Angeles, State of California:

You and each of you are hereby cited and admonished to be and appear before the Supreme Court of the United States, to be held at

the city of Washington in the District of Columbia, on the 10th day of June, 1916, pursuant to an Order allowing an Appeal, filed and entered in the Clerk's office of the District Court of the United States for the Southern District of California, Southern Division, from a final decree filed and entered on the 8th day of April, 1916, in that certain suit being in equity No. C-18, wherein P. L. Crane is Complainant and Appellant and you are defendants and Appellee to show cause, if any there be, why the decree rendered against said Appellant as in the said Order allowing appeal mentioned, should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the Hon. O. A. Trippet, United States District Judge for the Southern District of California, Southern Division, this
5 12th day of April, A. D. 1916, and of the independence of the United States, the one hundred and fortieth.

OSCAR A. TRIPPET,
*United States District Judge for the Southern District
of California, Southern Division.*

Received copy of the foregoing Citation on Appeal and hereby acknowledge service, this, the 12th day of April, 1916.

U. S. WEBB, *Attorney General*;
ROBERT M. CLARKE, *Deputy*;
THOMAS LEE WOOLWINE,

By GEO. E. CRYER, *Ch. Dep.*,
Solicitors for Defendants and Appellees.

6 [Endorsed:] No. C-18. Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson et al., Defendants. Citation on Appeal. Received copy of within — this 12 day of April, 1916. U. S. Webb, Att'y Gen.; Robert M. Clarke, Thomas Lee Woolwine, Geo. E. Cryer, Attorneys for Defendant. Tom L. Johnston, Esq., Attorney for Plaintiff. F. 2194. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

- 7 In the District Court of the United States in and for the Southern District of California, Southern Division.

No. C-18. Equity.

P. L. CRANE, Complainant,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

- 8 In the District Court of the United States in and for the Southern District of California, Southern Division.

In Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Bill of Complaint.

P. L. Crane, as complainant brings this, his Bill of Complaint against said defendants and each of them and thereupon your orator complains and says:

I.

Complainant is a citizen of the United States of America, over the age of twenty-one years, and resides in the City of Los Angeles, County of Los Angeles, and the State of California.

II.

That Hiram W. Johnson is the Governor of the State of California; that U. S. Webb is Attorney General of the State of California; and that Thomas Lee Woolwine is the District Attorney of the County of Los Angeles, in the State of California, and that said last named defendants in their respective capacities named, are holding office under by virtue of the laws of the State of California.

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III.

Complainant is a drugless practitioner and for the last seven years has been actively engaged in the practice of his said profession as a drugless practitioner in the City and County of Los Angeles, in the State of California; that complainant has a large and dependant family and that he is dependent entirely on the proceeds of the sale of his labor and services as a drugless practitioner for their main-

tenance and support; that complainant does not employ either medicine, drugs or surgery in his practice as a drugless practitioner, as aforesaid nor is there anything in his practice that is harmful to the individual or dangerous to society, but that complainant does employ in his practice as a drugless practitioner faith, hope and the processes of mental suggestion and mental adaptation.

IV.

Under the laws of the State of California it is the duty of the Attorney General thereof amongst other things, to attend the Supreme Court of said State and to prosecute or defend all cases to which said state is a party, and when required by the public service or directed by the governor, to repair to any county in the State to assist the District Attorney thereof in the discharge of his duties, and it is the duty of the District Attorney of Los Angeles County to attend the Superior Court and other courts, and conduct on behalf of the People of the State of California, all prosecutions for public offenses.

V.

That the legislature of the State of California at its Fortieth Session beginning on Monday, January 6th, and which adjourned on Tuesday, May 12th, 1913, enacted the following law: which was approved by the Governor on June 2, 1913, and went into effect August 10th, 1913, in words and figures as follows, to-wit:

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"Chapter 354.

An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act.

(Approved June 2, 1913, In effect August 10, 1913.)

The People of the State of California do enact as follows:

Section 1. A board of medical examiners to consist of ten members, and to be known as the "board of medical examiners of the state of California," is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who hold licenses under any of the medical practice acts of this state. The governor shall fill by appointment all vacan-

cies on the board. The term of office of each member shall be four years; provided, that of the first board appointed, three members shall be appointed for one year, two for two years, two for three years and three for four years, and that thereafter all appointments shall be for four years, except that appointments to fill vacancies shall be for the unexpired term only. No person in any manner owning any interest in any college, school or institution engaged in

11 medical instruction shall be appointed on the board, nor shall more than one member of the board be appointed from the faculty of any one university, college, or other educational institution. The governor shall have power to remove from office any member of the board for neglect of duty required by this act, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office.

Sec. 2. The board shall be organized on or before the first Tuesday of September, 1913, by electing from its number a president, vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the city of Sacramento and at least two additional meetings annually, one of which shall be held in the City of San Francisco and the other in the City of Los Angeles, with power of adjournment from time to time until its business is concluded; provided, however, that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. The board shall receive through its secretary applications for certificates provided to be issued under this act and shall, on or before the first day of January of each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements. The board shall, on or before the first day

12 of January of each year, compile a complete directory giving the addresses of all persons within the State of California who hold unrevoked licenses to practice under any medical practice act of the State of California, which license shall in any manner authorize the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions. The board is hereby authorized to require said persons to furnish such information as it may deem necessary to enable it to compile the directory. The directory shall contain in addition to the names and addresses of said persons, the names and symbols indicating the title, name or names, school or schools, which such person has attended and from which graduated, the date of issuance of the license, the present residence of said person and a statement of the former cer-

tificate held. The directory shall be prima facie evidence of the right of the person or persons named therein to practice. It shall be the duty of every person holding a license to practice under any medical act of this state, or who may hereafter be so licensed to practice, to report immediately each and every change of residence, giving both the old and the new address.

Sec. 3. The office of the board shall be in the city of Sacramento and in all legal proceedings against the board said city shall be deemed to be the residence of the members thereof.

Sec. 4. The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rules, to pass any measure, or to authorize issuance of any certificate as in this act provided. Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board shall have authority to take evidence in any matter cognizable by it.

The board shall keep an official record of all its proceedings, 13 a part of which record shall consist of a register of all applicants for certificates under this act, together with the action of the board upon each application.

Sec. 5. The board is authorized to prosecute all persons guilty of violation of the provisions of this act. It shall have the power to employ legal counsel for such purpose, and may also employ such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary. It shall also fix the salary of the secretary, not to exceed the sum of eighteen hundred dollars (\$1800) per annum, and the sum to be paid to other members of the board, not to exceed ten dollars (\$10) per diem each, for each and every day of actual service in the discharge of official duties; and the board may, in its discretion, add to said sum necessary traveling expenses.

Sec. 6. All fees collected on behalf of the board of medical examiners, and all receipts of every kind and nature, shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of medical examiners' contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of medical examiners and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed one thousand dollars (\$1000) may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control. 14

Sec. 7. Every application for a certificate shall pay to the secretary of the board a fee of twenty-five dollars (\$25), which shall be

paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars (\$10) shall be retained, the remainder of the fee being returnable on application.

Sec. 8. Two forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first, a certificate authorizing the holder thereof to use drugs or what are known as medicinal preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medicinal preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner certificate." A "reciprocity certificate" shall also be issued under the provisions herein-after specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory
15 testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; provided, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks' duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; provided, further, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks' duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; provided, also, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or

schools approved by the board totaling for applicants for "drugless practitioner certificates" not less than sixty-four weeks consisting of not less than twenty-four hundred hours, and for "physician and surgeon certificates" totaling not less than one hundred 16 twenty-eight weeks consisting of not less than forty-eight hundred hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for either form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma and that the same was procured in the regular course of instruction. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board: or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. After January 1, 1919, every applicant for a "physician and surgeon certificate" shall in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the study of medicine he has completed a course which includes at least one year of work, of college grade, in each of the subjects of physics, chemistry and biology.

Sec. 10. Applicants for either form of certificate shall 17 file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

For "Physician and Surgeon Certificate."

Group 1. 825 hours.

Anatomy	600 hours
Embryology	75 hours
Histology	150 hours

Group 2. 620 hours.

Elementary chemistry and toxicology.....	140 hours
Advanced chemistry	180 hours
Physiology	300 hours

Group 3. 700 hours.

Elementary bacteriology	60 hours
Advanced bacteriology	100 hours
Hygiene	90 hours
Pathology	450 hours

Group 4. 240 hours.

Materia medica	80 hours
Pharmacology	105 hours
Therapeutics	55 hours

Group 5. 1120 hours.

Dermatology and syphilis	45 hours
General medicine and general diagnosis.....	700 hours
Genito-urinary diseases	45 hours
Nervous and mental diseases.....	180 hours
Pediatrics	150 hours

Group 6. 965 hours.

Laryngology, otology, rhinology	60 hours
Opthalmology	60 hours
Surgery, and surgical diagnosis.....	500 hours
Orthopedic surgery	45 hours
Physical therapy, including electrotherapy, X-ray, radiography, hydrotherapy	300 hours

Group 7. 300 hours.

Gynecology	105 hours
Obstetrics	195 hours

Miscellaneous. 30 hours.

Ethics, jurisprudence, etc.	30 hours
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Total	4,800 hours
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18 For a "Drugless Practitioner Certificate."

Group 1. 645 hours.

Anatomy	510 hours
Histology	135 hours

Group 2. 420 hours.

Elementary chemistry and toxicology.....	120 hours
Physiology	300 hours

Group 3. 375 hours.

Elementary bacteriology	60 hours
Hygiene	45 hours
Pathology	270 hours

Group 4. 420 hours.

Diagnosis	420 hours
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Group 5. 260 hours.

Manipulative and mechanical therapy	260 hours
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Group 6. 300 hours.

Gynecology	105 hours
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Obstetrics	195 hours
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Total	2,400 hours
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In the course of study herein outlined the hours required shall be actual work in the class room, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; provided, that the hours herein required in any one subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

Sec. 11. In addition to above requirements, all applicants for "physician and surgeon certificates" must pass an examination to be given by the board in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. Bacteriology and pathology.
4. Chemistry and toxicology.
5. Obstetrics and gynecology.
6. Materia medica and therapeutics, pharmacology, including prescription writing.
7. General medicine, including clinical microscopy.
8. Surgery.
- 19 9. Hygiene and sanitation.

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology,
2. Physiology,
3. General diagnosis,
4. Pathology and elementary bacteriology,
5. Obstetrics and gynecology,
6. Toxicology and elementary chemistry,
7. Hygiene and sanitation;

provided, that a person who holds a "drugless practitioner certificate" and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being re-examined in "drugless practitioner" subjects.

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, and shall

be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; provided, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; provided, further, that any applicant for "physician and surgeon certificate" obtaining seventy-five (75) per cent each in seven subjects, and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects shall be subsequently re-examined in those subjects only in which he failed, and without additional fee.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Sec. 12. Any medical director, medical inspector, passed assistant surgeon, or assistant surgeon of the United States navy, honorably discharged, or temporarily detached, or placed upon the retired list without being discharged, from the medical department of the United States navy, or who by resignation has honorably severed all connection with the service, and any surgeon of the United States army, honorably discharged, or temporarily detached or placed upon the retired list without being discharged from the medical department of the United States army, or who by resignation has honorably severed all connection with the service, is hereby authorized to practice medicine and surgery within the State of California, by filing a sworn copy of his discharge, if he be discharged, or of the order temporarily detaching him or the order placing him upon the retired list, with the state board of medical examiners or by proving to the satisfaction of the board that by resignation he has honorably left the services of either the army or navy, and paying said board a fee of fifty dollars (\$50); provided, however, that this provision shall not apply to any contract surgeon in

the United States army or navy, and shall not apply to any officer of medical reserve corps of either said army or navy.

Sec. 13. Said board must also issue a "physician and surgeon certificate" to any applicant, without any examination, authorizing the holder thereof to practice medicine and surgery in the State of California, upon payment of a registration fee of fifty dollars (\$50.00), upon the following terms and conditions and upon satisfactory proof thereof, viz.: The applicant shall produce a certificate entitling him to practice medicine and surgery, as provided for in said "physician and surgeon certificate", issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice medicine and surgery, either in the District of Columbia, or in any state or territory of the United States, or if such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant prior to the first day of August, 1901, and the requirements from the medical college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice medicine and surgery shall not have been, at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a certificate to practice medicine and surgery in the State of California at the date of the issuance

22 of such certificate, or which may hereafter be required by law and which may be in force at the time of the issuance of any such certificate; and provided, further, that said applicant shall also furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California, showing what the requirements were of the college, or board, issuing such certificate, at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California, and any other or further examination or investigation which said board may see fit to make, on its own part, it shall be found that the requirements of the board issuing such certificate, were when said certificate was issued, in any degree or particular less than the requirements provided by the laws of the State of California, at the date of the issuance of such certificate, he will not be entitled to practice within the State of California without an examination. Any person may file an application with the said board to practice medicine and surgery within the State of California, in the event that such applicant has been duly licensed prior to August 1, 1901, and has practiced medicine and surgery in another state or territory, or the District of Columbia, for a period of time commencing prior to the first day of August, 1901. Such application shall be verified and shall contain a statement showing: (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study, and all

institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice medicine and surgery may have been issued to him, together with the date of such certificate and a description of the same, and, if required by the board, the certificates themselves, or satisfactory proof of their issuance; (d)

23 a statement of all places in which said applicant has practiced medicine and surgery; (e) such other general information as to his past practice, as may be required by the said board. The said board shall make such independent investigation of the character, ability and standing of the applicant as it may deem proper and necessary, and if it shall find after such investigation that said applicant has been a practicing physician and surgeon in any other state of territory or the District of Columbia, prior to August 1, 1901, and prior to said last named date has been duly licensed to so practice, and that his reputation as such physician and surgeon is good in the community in which he has so practiced medicine and surgery, they shall afford him an examination on a day suiting the convenience of the board not more than six (6) months subsequent to the presentation of said application. Said examination shall be oral, practical and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of the said medical examiners conducting said examination, that such applicant is so qualified to practice medicine and surgery within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physician and surgeon certificate." Each applicant on making such application shall pay to the secretary of the board, a fee of fifty dollars (\$50), which shall be paid to the treasurer of the board, of which sum forty dollars (\$40) shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate."

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the

24 secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally, and all the provisions of the statutes of this

state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made

25 applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board, his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of said board either to suspend the right of the holder of said certificate to practice for a period not exceeding one year, or in its discretion to remove his certificate. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from

26 practice has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of

suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificate of the person whose certificates has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the — day of — suspended for —" or, "This certificate was revoked on the — day of —," as the case may be, giving the day, month, and year of such revocation, or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words, "unprofessional conduct," as used in this act, are hereby declared to mean:

First. The procuring or aiding or abetting in procuring of a criminal abortion.

Second. The wilfully betraying of a professional secret.

Third. All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public
27 morals or safety.

Fourth. All advertising of any medicine or of any means whereby the monthly periods of woman can be regulated or the menses re-established if suppressed.

Fifth. Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth. Habitual intemperance.

Seventh. The personation of another licensed practitioner.

Eighth. The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice, or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth. The use, by the holder of a "drugless practitioner certificate," of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth. Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such certificate or any other person, company or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost

manhood, sexual weakness, or sexual disorder; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing, or stating.

Eleventh. The use by the holder of a "drugless practitioner certificate" of the letters "M.D.," or the words "doctor of medicine," or the term "physician and surgeon," or the term "physician," or the term "surgeon," in connection with his name or in connection with his practice, or otherwise, upon any sign, card, advertisement, or announcement, or otherwise.

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice any system or mode of treating the sick or afflicted in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, and the fact of such recordation shall be indorsed on the certificate by the county clerk recording the same. Any person holding a certificate as aforesaid, who shall practice or attempt to practice any other system or mode of treating the sick or afflicted in this state, without having first filed his certificate with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

Sec. 16. The county clerk shall keep (in) a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor," the letters or prefix "Dr.," the letters, "M. D.," or any other terms or letters indicating or implying that he is a doctor under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00), or by imprisonment for a term of not less than sixty (60) days nor more than one hundred and eighty (180) days, or by both such fine and imprisonment. Upon each such conviction the fine shall be paid, when collected, to the state treasurer, and a report thereof shall be made to the state controller.

Sec. 18. Any person, or any member of any firm, or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be pun-

ishable by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment, who, individually, or in his official capacity, shall himself sell or barter, or offer to sell or barter any certificate authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same either directly or indirectly with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit, or any other evidence to be used in

obtaining a diploma or certificate required hereunder, or who
30 shall use or attempt to use fraudulently any certificate, transcript, affidavit or diploma, whether the same be genuine or false, or who shall practice or attempt to practice any system of treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall wilfully make any false statement or any application for examination, license or registration under this act, or who shall engage in the treatment of the sick, or afflicted, without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty (60) days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been, practicing medicine or surgery, or any other system of treatment of the sick or afflicted (provided that such affidavit shall not be used as evidence against said person or employee in any proceedings under this section.)

Sec. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to
be the person named in or entitled to, such certificate, shall
31 be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 20. Any person not a member of the state board of medical examiners who shall sign, or issue, or cause to be signed or issued, any certificates authorized by this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than six hundred (\$600.00), or by

imprisonment for a term not less than sixty (60) nor more than one hundred and eighty (180) days, or by both such fine and imprisonment.

Sec. 21. Nothing in this act shall be construed to prohibit the practice by any person holding an unrevoked certificate heretofore issued under or validated by any medical practice act of this state, but all such certificates may be revoked for unprofessional conduct in the same manner and upon the same grounds as if they had been issued under this act.

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; provided, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery, or any
32 other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion.

Sec. 23. An act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, as amended by a certain act approved May 1, 1911, is hereby repealed, and also all other acts and parts of acts in conflict with this act are hereby repealed."

VI.

That the Legislature of the State of California, at its Forty-first session which began on Monday, January 4th, and adjourned on Sunday, May 9th, 1915, passed the following law amending the foregoing act, in words and figures as follows, to-wit:

An Act to amend an act entitled, "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act" approved June 2, 1913, by amending sections two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, seventeen and eighteen and adding a new section thereto to be numbered twelve and one-half relating to the practice of chiropody.

(Approved April 24, 1915. In effect August 8, 1915.)

The People of the State of California do enact as follows:

Section 1. Section two of "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, is hereby amended to read as follows:

Sec. 2. The board shall be organized on or before the first Tuesday of September, 1913, by electing from its number a president, vice-president, and a secretary who shall also be the treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the City of Sacramento and at least two additional meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco, with power of adjournment from time to time until its business is concluded; provided, however, that examinations of applications for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacra-

mento, and one published in the City of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board or the chairman of a committee, may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through its secretary applications for certificates provided to be issued under this act and shall, on or before the first day of January of each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements. The board shall, on

35 or before the first day of January of each year, compile and thereafter publish and sell, a complete directory giving the addresses of all persons within the State of California who hold unrevoked licenses to practice under any medical practice act of the State of California, which license shall in any manner authorize the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions. The board is hereby authorized to require said persons to furnish such information as it may deem necessary to enable it to compile the directory. The directory shall contain in addition to the names and addresses of said persons, the names and symbols indicating the title, name or names, school or schools, which such person has attended and from which graduated, the date of issuance of the license, the present residence of said person and a statement of the form of certificate held. The directory shall be prima facie evidence of the right of the person or persons named therein to practice. It shall be the duty of every person holding a license to practice under any medical act of this state or who may hereafter be so licensed to practice, to report immediately each and every change of residence, giving both the old and the new address.

Sec. 2. Section three of the said act is hereby amended to read as follows:

Sec. 3. The office of the board shall be in the City of Sacramento. Sub-offices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to such sub-offices. Legal proceedings against the board may be instituted in any one of said three cities.

Sec. 3. Section four of the said act is hereby amended to read as follows:

Sec. 4. The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of seven mem-
36 bers of said board to carry any motion or resolution, to adopt any rules, to pass any measure, or to authorize the issuance of any certificate as in this act provided. Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board shall have authority to take evidence in any matter cognizable by it. The Board may in its discretion appoint or designate any qualified and competent person or persons to give the whole or any portion of any examination as provided in this act; such per-

son or persons need not be a member of the board of medical examiners and shall be designated as a commissioner on examination and shall be subject to the same rules and regulations and entitled to the same fee and remuneration as if a member of the board. The board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, together with the action of the board upon each application.

Sec. 4. Section five of the said act is hereby amended to read as follows:

Sec. 5. The board is authorized to prosecute all persons guilty of violation of the provisions of this act. It shall have the power to employ legal counsel for such purpose, and may also employ inspectors, special agents and investigators and such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary. It shall also fix the salary of the secretary, not to exceed the sum of three thousand dollars per annum, and the sum to be paid to other members of the board not to exceed ten dollars per diem each for each and every day of actual service in the discharge of official duties; such service to include the attendance at special meetings of the board and committee meetings of the board and while actively engaged in the review of examination papers, based upon one per diem for each thirty papers or fraction thereof. Each member of the board shall make an affidavit before some duly authorized person in the State of California that such service has been actually performed; and the board may in its discretion, add to said sum necessary traveling expenses.

Sec. 5. Section eight of the said act is hereby amended to read as follows:

Sec. 8. Three forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first, a certificate authorizing the holder thereof to use drugs or what are known as medicinal preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medicinal preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner certificate"; third, a certificate authorizing the holder thereof to practice chiropody. For the purpose of this act chiropody is defined to be the surgical treatment of abnormal nails and superficial excrescences occurring on the feet, such as corns, callosities, and the treatment of bunions; but it shall not confer the right to operate upon the feet for congenital or acquired deformities, or for conditions requiring the use of anesthetics other

38 than local, or incisions involving structures below the level of the true skin. A "reciprocity certificate" shall also be issued under the provisions hereinafter specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

Sec. 6. Section nine of the said act is hereby amended to read as follows:

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; provided, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks' duration, but not necessarily pursued continuously, or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; provided, further, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks' duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened

39 between the beginning of any course and the beginning of the preceding course; the course in chiropody is to consist of not less than thirty-nine weeks consisting of not less than six hundred sixty-four hours; provided, also, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant

as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California

or Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. After January 1, 1919, every applicant for a "physician and surgeon certificate" shall in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the study of medicine he has completed a course which included at least one year of work, of college grade, in each of the subjects of physics, chemistry and biology. The preliminary or basic educational requirements for a chiropodist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of high school work or its equivalent.

Sec. 7. Section ten of the said act is hereby amended to read as follows:

Sec. 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

41 For a "Physician and Surgeon Certificate."

Group 1. 775 hours.

Anatomy	550 hours.
Embryology	75 hours.
History	150 hours.

Group 2. 620 hours.

Elementary chemistry and toxicology	140 hours.
Advanced chemistry	180 hours.
Physiology	300 hours.

Group 3. 450 hours.

Elementary bacteriology	60 hours.
Advanced bacteriology	80 hours.
Hygiene	60 hours.
Pathology	250 hours.

Group 4. 240 hours.

Materia medica	80 hours.
Pharmacology	105 hours.
Therapeutics	55 hours.

Group 5. 940 hours.

Dermatology and syphilis	45 hours.
General medicine and general diagnosis	600 hours.
Genito-urinary diseases	45 hours.
Nervous and mental diseases	110 hours.
Pediatrics	140 hours.

Group 6. 680 hours.

Laryngology, otology, rhinology	60 hours.
Ophthalmology	60 hours.
Surgery and surgical diagnosis	500 hours.
Orthopedic surgery	30 hours.
Physical therapy, including electrotherapy, X-ray, radiography, hydrotherapy	30 hours.

Group 7. 265 hours.

Gynecology	100 hours.
Obstetrics	165 hours.

Miscellaneous, 30 hours.

Ethics, jurisprudence, etc.	30 hours.
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Total	4,000 hours.
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For a "Drugless Practitioner Certificate."

Group 1. 600 hours.

Anatomy	485 hours.
Histology	115 hours.

42 Group 2. 270 hours.

Elementary chemistry and toxicology	70 hours.
Physiology	200 hours.

Group 3. 235 hours.

Elementary bacteriology	40 hours.
Hygiene	45 hours.
Pathology	150 hours.

Group 4. 370 hours.

Diagnosis	370 hours.
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Group 5. 260 hours.

Manipulative and mechanical therapy	360 hours.
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Group 6. 265 hours.

Gynecology	100 hours.
Obstetrics	165 hours.

Total	2,000 hours.
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For a Certificate to Practice Chiropody.

Group 1. 117 hours.

Anatomy	78 hours.
Histology	39 hours.

Group 2. 156 hours.

Chemistry and toxicology	78 hours.
Physiology	78 hours.

Group 3. 103 hours.

Bacteriology	39 hours.
Hygiene	25 hours.
Pathology	39 hours.

Group 4. 44 hours.

Diagnosis:	
Syphilis	20 hours.
Dermatology	24 hours.

Group 5. 215 hours.

Manipulative and mechanical therapy:	
Didactic and clinical chiropody	136 hours.
Orthopedics	20 hours.
Surgery	59 hours.

Group 6. 29 hours.

Materia medica and therapeutics	29 hours.
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Total	664 hours.
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43 In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall

be required; provided, that the hours herein required in any one subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

Section 8. Section eleven of the said act is hereby amended to read as follows:

Sec. 11. In addition to above requirements, all applicants for "physician and surgeon certificate" must pass an examination to be given by the board in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. Bacteriology and pathology.
4. Chemistry and toxicology.
5. Obstetrics and gynecology.
6. Materia medica and therapeutics, pharmacology, including prescription writing.

7. General medicine, including clinical microscopy.

8. Surgery.

9. Hygiene and sanitation.

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Pathology and elementary bacteriology.
5. Obstetrics and gynecology.
6. Toxicology and elementary chemistry.
7. Hygiene and sanitation.

Provided, that a person who holds a "drugless practitioner certificate," issued upon satisfactory proof of the course of instruction and minimum requirements demanded in section 10 hereof and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being re-examined in "drugless practitioner" subjects.

44 The subjects for such examination shall be:

1. Advanced chemistry.
2. Advanced bacteriology.
3. Surgery.
4. Materia medica and therapeutics, pharmacology, including prescription writing.

5. General medicine, including clinical microscopy.

All applicants for a certificate to practice chiropody must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology, chemistry and hygiene.
3. Pathology and bacteriology.
4. Dermatology and syphilis.
5. Orthopedics and surgery.

6. Chiropody and therapeutics.

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. There shall be at least ten questions on each subject, the answer to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; provided, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; provided, further, that any applicant for "physician and surgeon certificate" obtaining seventy-five per cent each in seven subjects and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects and an applicant for a certificate to practice chiropody obtaining over seventy-five per cent in seven subjects, shall be subsequently re-examined in those subjects only in which he failed, and without additional fee. Any person who at any time prior to January 1, 1916, shall pay to the secretary of said board the fee of twenty-five dollars and submits satisfactory proof of a good moral character and of a resident one-year course of not less than one thousand hours in a legally chartered school ap-

proved by the board and satisfactory proof of three years of
45 actual practice of a drugless system of the healing art, such three years of actual practice to have been in the State of California, shall be admitted to the drugless practitioner examination; provided, however, that in the event of a license being granted to such applicant he will not be eligible thereafter for the physician's and surgeon's certificate without a full and complete compliance with the terms and provisions of sections 9 and 10 hereof. Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submits to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state; provided, however, that such licensee shall not be permitted to take the physician's and surgeon's examination without a full and complete compliance with the terms of sections 9 and 10 hereof.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of

medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any
46 manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Sec. 9. Section twelve of the said act is hereby amended to read as follows:

Sec. 12. Any medical director, medical inspector, passed assistant surgeon, or assistant surgeon of the United States navy, honorable discharged or temporarily detached, or placed upon the retired list without being discharged or on active duty, from the medical department of the United States navy, or who by resignation has honorably severed all connection with the service, and any surgeon of the United States army, honorably discharged, or temporarily detached or placed upon the retired list without being discharged or on active duty from the medical department of the United States army, or who by resignation has honorably severed all connection with the service, is hereby authorized to practice medicine and surgery within the State of California by filing a sworn copy of his discharge, if he be discharged, or of the order temporarily detaching him or the order placing him upon the retired list, with the state board of medical examiners or by proving to the satisfaction of the board that by resignation he has honorably left the service of either the army or navy, and paying said board a fee of fifty dollars; provided, however, that this provision shall not apply to any contract surgeon in the United States army or navy, and shall not apply to any officer of medical reserve corps of either said army or navy.

Sec. 10. Said act is hereby amended by adding a new section
47 thereto to be numbered section twelve and one-half, to read as follows:

Sec. 12½. Any person who at any time within ninety days from and after the passing of this act shall pay to said board the registration fee of fifty dollars, as herein provided, and furnish to said board satisfactory proof of the fact that such applicant has been actually engaged in the practice of chiropractic in the State of California for the period of one year prior to July 1, 1915, and that such applicant possesses a good moral character and competency in the practice of chiropractic, shall be entitled to practice chiropractic, and said board must issue to him a chiropractic certificate.

Sec. 11. Section thirteen of the said act is hereby amended to read as follows:

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the

State of California, upon payment of a registration fee of fifty dollars, upon the following terms and conditions, and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice a system or mode of treating the sick or afflicted, as provided in this act or any preceding practice act of the State of California, issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode of treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, or if such certificate shall have been

- lost, then a copy thereof, with proof satisfactory to the board
- 48 of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant prior to the first day of August, 1901, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted (medicine and surgery) shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California, at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate; and, provided, further, that said applicant shall furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California showing what the requirements were of the college and of the board, issuing such certificate at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without *out* an examination.
- 49 An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same

year, for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state; provided, however, that an application based upon a certificate to practice any system or mode of treating the sick or afflicted issued in the District of Columbia or in any state or territory prior to March fourth, 1907, if refused or denied by reason of the insufficiency of the standard of such state or territory then such applicant may have the privilege of either a written or oral examination before the board at the option of the applicant. Any person may file an application with the said board to practice medicine and surgery within the State of California, in the event that such applicant has been duly licensed prior to August 1, 1901, and has practiced medicine and surgery in another state or territory or the District of Columbia, for a period of time commencing prior to the first day of August, 1901. Such application shall be verified and shall contain a statement showing: (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study, and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice medicine and surgery may have been issued to him, together with the date of such certificate and a description of the same, and, if required by the board, the certificates themselves, or satisfactory proof of their issuance; (d) a statement of all places in which said applicant has practiced medicine and surgery; (e) such other general information as to his past practice, as may be required by the said Board. The said board shall make such independent investigation of the character, ability and standing of the applicant as it may deem proper and necessary, and if it shall find after such investigation that said applicant has been a practicing physician and surgeon in any other state or territory or the District of Columbia, prior to August 1, 1901, and prior to said last named date has been duly licensed so to practice, and that his reputation as such physician and surgeon is good in the community in which he has so practiced medicine and surgery, and has been a resident of his last state of residence for a period of one year prior to date of filing his application in the State of California they shall afford him an examination on a day suiting the convenience of the board not more than six months subsequent to the presentation of said applications. Said examination shall be oral, practical, and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of said medical examiners conducting said examination, that such applicant is so qualified to practice medicine and surgery within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physician and surgeon certificate." Each applicant on making such application shall pay to the secretary of the board, a fee of fifty dollars, which shall be paid to the treasurer of the

51 board, of which sum forty dollars shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate."

Sec. 12. Section fourteen of the said act is hereby amended to read as follows:

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard and that the applicant shall file his written answer, under oath, within twenty days next before the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has willfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be 52 taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by 53 the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in his act, and the said unprofessional

conduct has been brought to the attention of the board granting said certificate, in the manner herein provided, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of said board either to suspend the right of the holder of said certificate to practice for a period not exceeding one year, or in its discretion to revoke his certificate. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the

53 expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the county in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the — day of — suspended for —," or, "This certificate was revoked on the — day of —," as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct" as used in this act are hereby declared to mean:

First. The procuring or aiding, or abetting, or attempting or agreeing or offering to procure a criminal abortion.

Second. The willfully betraying of a professional secret.

54 Third. All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth. All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

Fifth. Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth. Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, vita-eucaine, uervacine or chloral hydrate or any of the salts derivatives or compounds of the

foregoing substances or the prescribing, selling, furnishing, giving away or offering to prescribe, sell, furnish or give away such substances to an habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.

Seventh. The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

Eighth. The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice, or in any advertisement or announcement of his practice, of any fictitious name, or any other than his own.

Ninth. The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth. Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure or will treat any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association or corporation so advertising, announcing or stating.

Eleventh. The use by the holder of a drugless practitioner certificate of any letter, letters, word, words, or terms or terms used either as prefix or affix or suffix, indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Twelfth. The employment of "cappers" or "steerers" in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Sec. 13. Section seventeen of the said act is hereby amended to read as follows:

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor", the letters or prefix "Dr." the letters "M. D.," or any other term or letters indicating or implying that he is a doc-

56 tor under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than six hundred dollars or by imprisonment for a term of not less than sixty days nor more than one hundred and eighty days or by both such fine and imprisonment. The fine or forfeiture shall be paid, when collected, to the state treasurer, and a report thereof shall be made to the state controller. It shall be the duty of the court to order the proper official of the court to forward such fines or forfeitures direct to the state treasurer to be deposited to the credit of the board of medical examiners' contingent fund without placing such fine or forfeiture in any special or contingent or general fund of any county, city and county, city or township.

Sec. 14. Section eighteen of the said act is hereby amended to read as follows:

Sec. 18. Any person, or any member of any firm or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail for not less than ten days nor more than one year, or by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment, who, individually or in his official capacity, shall himself sell or barter, or offer to sell or barter, any certificate authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same either directly or indirectly with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit or any other evidence to be used in obtaining a diploma or certificate required hereunder, or who shall use or attempt to use fraudulently any certificate, transcript, affidavit, or diploma whether the same be genuine or false, or who shall practice or attempt to practice *sustem* or treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall willfully, make any false statement on any application for examination license or registration under this act, or who shall engage in the treatment of the sick, or afflicted, without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other

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treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been practicing medicine or surgery, or any other system of treatment of the sick or afflicted. It shall be the duty of any person or persons upon whom the board of medical examiners may make a demand for the name or names and address or addresses of a person or persons associated or employed by him or them to make affidavit that there are no such person or persons associated or employed by him or them, if such be the fact; provided, that such affidavit shall not be used as evidence against said person or employee in any proceedings under this section."

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VI.

Further complaining your orator avers that the said pretended law is unconstitutional, null and void because the same is repugnant to the Fourteenth Amendment of the Constitution of the United States and repugnant more particularly to that clause of said Amendment which provides that no state shall deprive any person of his life, liberty or property without due process of the law, and particularly to that clause of said Amendment which prohibits any State from denying to any person within its jurisdiction the equal protection of the law.

VII.

That by reason of the said law complainant has been arbitrarily deprived of his right to practice his profession as a drugless practitioner on the same terms and under like circumstances with others engaged in the same profession. That equal protection and security under the said pretended law is denied to the plaintiff inasmuch as said law is highly discriminatory in imposing greater burdens upon plaintiff than are laid upon others in the same calling and position. That the said pretended law discriminates in favor of the Christian Science drugless practitioner in that it expressly declares that the said act shall not be construed to regulate, prohibit or apply to any kind of treatment by prayer, and expressly exempts from the provisions of said act all modes of treating the sick who base his or her healing power on the virtue of prayer.

VIII.

Orator complains and alleges that under said pretended law the Legislature of the State of California has under the guise of a police regulation created a monopoly favored by law in the practice of drugless treatment of disease in relieving that class of drugless practitioners from the equal operation of said law.

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IX.

Orator further complaining alleges that that portion of the pretended law referring to drugless practitioners is obnoxious to and discriminates against every other school of drugless healing and practice in favor of the practitioner by prayer and it therefore is unconstitutional and void.

X.

Orator further alleges that the practice of his profession as a drugless healer is a lawful occupation, innocent in its nature and inoffensive to the individual or community at large and that the Legislature of the State of California did not have the power under the guise of the police regulation to impose harsh, discriminatory, unreasonable and prohibitive conditions upon complainant which unduly and unnecessarily interfere with the liberty of complainant to pursue unmolested and unrestrained the practice of his profession as a drugless practitioner.

XI.

Further complaining your orator avers that the Legislature of the State of California did not have the power under the guise of a police regulation to distinguish between the treatment of the sick by prayer, the treatment of the sick by faith, mental suggestion and mental adoption, the treatment of the sick by the laying on of hands, the treatment of the sick by anointing with Holy oil or other kindred treatments, to approve the one and to condemn the other, to exempt one from the operation and effect of the law and to impose drastic and prohibitive conditions upon the other.

XII.

60 Further complaining, your orator avers that he does not employ prayer in the treatment of disease and is therefore not exempted from the operations of the said law; that he has no certificate of registration from said medical board and is therefore unable under the pains and penalties of a criminal prosecution and severe punishment by fine or imprisonment or both, from pursuing his said occupation as a drugless practitioner for which he is particularly fitted, which skill he has gained by many years of study and practice therein, and that by reason of the many years of his life having been devoted to the study and practice of drugless healing, and by reason of his advancing age, he has in a large measure unfitted himself to take up any new branch of work and that he has no other means to provide a competent support for himself and his large and dependant family.

XIII.

Complainant avers that this suit is authorized by law to be brought by him to redress his deprivation under the color of law and statute of a State, of the right, privileges and immunities secured him by

the Constitution of the United States under Section 266 of the Judicial Code of the United States.

XIV.

Further complaining, orator avers that he has no adequate remedy at law and can only have redress in a Court of equity where such matters are peculiarly cognizable.

XV.

Further complaining, your orator avers that U. S. Webb, Attorney General of the State of California, and the said Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, unless restrained from so doing by an order of this Court, will institute proceedings in the Courts of the State of California to enforce said pretended law, and severely punish all drugless practitioners for the infraction thereof.

61 In consideration whereof, and for as much as the said law is so manifestly, unconstitutional and void in so far that it effects your complainant in the practice of drugless healing and whereas the Supreme Court of the State of California did on the 14th day of October, 1915, hold the said law to be constitutional and not in violation of the guarantees of the Federal Constitution by denying a petition for a Writ of Habeas Corpus, pending before said Supreme Court at that time involving the validity of the said medical law and drugless practice act under the Fourteenth Amendment of the Constitution of the United States, a copy of which said petition is hereto attached and marked Exhibit "A", orator prays

First. "That the aforesaid statute of the State of California enacted as aforesaid and as hereinbefore fully set out in so far as its effects the complainant in the pursuit of his profession as a drugless practitioner be declared to be in violation of and in controvention of the rights of this defendant under the Fourteenth Amendment to the Constitution of the United States.

Second. That the said U. S. Webb, Attorney General of the State of California, and the said Thomas Lee Woolwine District Attorney of the County of Los Angeles, California, and each of their successors, assistants, deputies, agents and employees be temporarily and permanently enjoined from in any way or manner enforcing against your complainant or in attempting to enforce the provisions of the aforesaid unconstitutional and void statute, and from instituting or causing to be instituting any suit, prosecution or proceedings to enforce against said complainant that portion of the aforesaid statute regulating drugless practice.

Third. That a temporary restraining order be granted before the hearing and determination of the application herein, for an
62 interlocutory injunction because of the facts as alleged herein that irreparable loss and damage will result to this complainant and his dependent family unless such temporary restraining order be granted.

Fourth. That complainant have such other and further relief as is just and equitable, as well as a decree for costs.

Fifth. And may it please your Honors to grant unto complainant a Writ of Subpoena of the United States of America issued out of and under the seal of the Honorable Court directed to the said Hiram W. Johnson, Governor of the State of California, U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles therein to be named and under a certain penalty to be and appear before this Honorable Court then and there to answer, but not under oath (the answer under oath being expressly waived) all and singular the premises and to stand to, perform and abide by such order direction and decree as may be made against them in the premises, and the complainant will ever pray, et cetera.

TOM L. JOHNSTON,
Solicitor for Complainant.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, P. L. Crane, upon oath say: I am the complainant in the above entitled Bill, and am familiar with the matters and things mentioned in said Bill, which I have read; I know the contents thereof and the same are true to my own knowledge except as to those matters therein stated to be true on information and belief, and as to those matters I believe them to be true.

P. L. CRANE.

Subscribed and sworn to before me this, the 6th day of March, 1916.

[SEAL]

CHAS. E. STANTON,
*Notary Public in and for the County of
Los Angeles, California.*

My commission expires November 24, 1916.

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EXHIBIT "A."

"In the Supreme Court of the State of California.

In the Matter of CHOW JUYAN and CHOW LET on Habeas Corpus;
ONG FOON, Petitioner.

Petition for Habeas Corpus.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the State of California:

The Petition of Ong Foon respectfully shows that Chow Juyan and Chow Let are illegally detained, imprisoned, confined and restrained of their liberty by Frederick S. Eggers, Sheriff of the City and County of San Francisco, State of California, and that the said

imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to-wit: that it is claimed by said Frederick S. Eggers, Sheriff, as aforesaid, that the said Chow Juyan and the said Chow Let were regularly and properly charged with the violation of Section 17, of an Act of the Legislature, of the State of California, approved June 2, 1913, (Statutes of California, page 722), entitled:

"An Act to regulate the examination of applicants for license, and the practice of those licenses to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners; to provide for their appointment, and to prescribe their powers and duties, and to repeal an Act entitled:

"An Act for the regulation of the practice of medicine, and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the 64 appointment of a Board of Medical Examiners in the matter of said regulation. Approved March 14, 1907, and acts amendatory thereof, and also to appeal all other acts and parts of acts in conflict with this Act, approved June 2, 1913, statutes 1913, page 722, in effect August 10, 1913."

That the information filed against the said Chow Juyan and Chow Juyan it was charged that:

"In the Superior Court of the State of California in and for the City and County of San Francisco.

PEOPLE OF THE STATE OF CALIFORNIA

VS.

CHOW LET and CHOW JUYAN.

That on the 26th day of June A. D. 1914, Chow Juyan and Chow Let were accused by the District Attorney of the City and County of San Francisco, State of California, by this information of the crime of Misdemeanor, to-wit: Violating Section 17, of Chapter 354, of the Statutes of 1913, of the State of California, committed as follows:

The said Chow Juyan and the said Chow Let on the 27th day of May, A. D., 1913, at the City and County of San Francisco, State of California, did wilfully and unlawfully and without then and there having a valid, unrevoked medical certificate from the Board of Medical Examiners of the State of California to practice medicine, surgery or other systems or modes of treating the sick or afflicted in the State of California, practice, attempt to practice, advertise and hold himself out as practicing a system or mode of treating the sick and afflicted, and did then and there diagnose, treat, operate for, and prescribe for a certain disease, injury and deformity and other mental and physical condition of a certain person, to-wit: Harriet Flesig, contrary to the form, force and effect of the

statute in such case, made and provided and against the
65 peace and dignity of the People of the State of California.

C. M. FICKERT,

*District Attorney in and for the City and
County of San Francisco, State of California.*

Witnesses:

HARRIET FLESIG.

GEORGIA V. BOWES.

That upon the trial of said Chow Juyan and Chow Let evidence was presented for the purpose of showing that the said Chow Juyan and the said Chow Let were confronted by one Harriet Flesig, and one said Georgia V. Bowes, both officers of the Board of Medical Examiners, who testified that the said Chow Juyan and the said Chow Let had sold them certain alleged Chinese herbs, and it further appearing from the said testimony of the said Harriet Flesig and the said Georgia V. Bowes, that the method of diagnosis used by the said Chow Juyan and the said Chow Let, was that of the Chinese system of the healing art, to-wit: feeling the pulse, and upon said testimony said Chow Juyan and said Chow Let were convicted of the alleged offense, in aforesaid information, a copy of which is hereto annexed, and marked Exhibit "B" and made a part hereof.

That pursuant to said conviction the Honorable Superior Court, Department Number 11 thereof, pronounced judgment, ordering, adjudging and sentencing the said Chow Juyan and the said Chow Let to imprisonment in the County Jail, and in addition thereto fined them in the sum of \$600.00. Thereupon the said Chow Juyan and the said Chow Let appealed to the District Court of Appeals, First Appellate District of the State of California. That the said District Court of Appeal upon the 22nd day of July, 1915, affirmed said judgment and conviction.

66 Your petitioner alleges that said imprisonment is illegal in that the information under which Chow Juyan and said Chow Let were imprisoned did not comply with the requirements of Section 1426 of the Penal Code of the State of California.

Your petitioner further alleges that the Act under which said Chow Juyan and said Chow Let were convicted is unconstitutional and void, in that it makes no provision for testing the proficiency of the said Chow Juyan and the said Chow Let according to the theory, art or science of Chinese Herbal Therapy, as provided by the said Chow Juyan and the said Chow Let.

Said Act is further unconstitutional and void in that it violates Article I, Section I, of the constitution of the State of California, in that said Section provides that for "the peaceable acquiring, possession and protection of property, and pursuing and obtaining safety and happiness."

Said Act is further void in that it violates Article I, of the Constitution of the State of California, section 11, thereof, in that said Section provides: "all laws of a general nature shall have a uniform operation."

Said Act is further void in that it violates Article I, of the Constitution of the State of California, and Section 13 thereof, in that

said Section provides: that no person shall "be deprived of life, liberty or property without due process of law."

Said Act is further void in that it violates Article 6, of the United States Constitution, in that said Article provides: "All treaties made or which shall be made under the authority of the United States shall be the supreme law of the land, and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."

67 Said Act is further void in that it violates Article 5, of the Amendments to the constitution of the United States, in that the said amendment provides; that no person shall "be deprived of life, liberty or property without due process of law."

Said Act is further void in that it violates Article 6, of the Amendments to the United States constitution, in that said article provides: that all *personal* shall "be informed of the nature and cause of the accusation."

Said Act is further unconstitutional and void in that it violates Article 14, of the Amendments to the United States constitution, in that said amendment provides: "nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Said Act is further unconstitutional and void in that it violates Article 2 of the Treaty now existing between the Republic of the United States and the Republic of China, in that the said Treaty provides that all chinese within the borders of the United States "shall be accorded all the rights, privileges, immunities and exemptions, which are accorded to the citizens and subjects of most favored nations."

Said Act is further unconstitutional and void in that it violates Article 3 of said Treaty existing between the United States and the Republic of China, in that said article provides: "The Government of the United States will exert all of its power to devise measures for their protection and to secure to them the same rights, privileges, immunities and exemptions as may be enjoyed by the citizens or subjects of most favored nations, and to which they are entitled by Treaty."

Wherefore, Your petitioner prays that a Writ of Habeas Corpus may be issued and delivered to the said Fred S. Eggers, Sheriff, as aforesaid, commanding and directing him to have the body of Chow Juyan and the body of said Chow Let before this Honorable court at the time and place to be designated in said order, together with the time and cause of this detention.

Your petitioner further prays that said Chow Juyan and said Chow Let may be admitted to bail in the sum of — bending the final determination of this cause.

ONG FOON, *Petitioner*,
MICHELSON & MICHELSON,
Attorneys for Petitioner.

Dated this 11th day of October, 1915, San Francisco, California.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Ong Foon being duly sworn deposes and says: that he is the petitioner named in the foregoing Petition; that the same has been read and explained to him, and he knows the contents thereof, and that the same is true of his own knowledge, except as to those matters which are therein stated on his information and belief, and as to those matters, he believes them to be true.

ONG FOON.

Subscribed and sworn to before me this 11th day of October, 1915.

EDITH W. BURNHAM,
*Notary Public in and for the City and
 County of San Francisco, State of California.*

(Endorsed:) No. C18. Eq. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Bill of Complaint. Filed Mar. 6, 1916. Wm. M. Van Dyke, Clerk, by Chas. N. Williams, Deputy Clerk.

69 In the District Court of the United States in and for the
 Southern District of California, Southern Division.

P. L. CRANE, Plaintiff,

VS.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendants.

Affidavit.

STATE OF CALIFORNIA,
County of Sacramento, ss:

T. B. Hagerty, being first duly sworn, deposes and says: that he is a resident of the City of Sacramento, County of Sacramento, State of California; that he is over the age of 21 years, and is not interested in the subject matter of the above entitled action, or connected with any of the parties thereto; that on the 8th day of March, 1916, he served upon the Honorable Hiram W. Johnson, Governor of the State of California, in the City of Sacramento, a notice, a copy of which notice is hereto attached and made a part of this affidavit; and that at the time of the said service of said notice, he also served upon the Honorable Hiram W. Johnson, Governor of the State of California, in the City of Sacramento, a copy of the Bill of Complaint herein.

T. B. HAGERTY.

Subscribed and sworn to before me this 8th day of March, 1916.

[SEAL.]

ALBERT D. SMITH,

*Notary Public in and for the County of
Sacramento, State of California.*

My commission expires Mch. 23, 1918.

71 In the District Court of the United States in and for the
Southern District of California, Southern Division.

In Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S.
Webb, Attorney General of the State of California, and Thomas
Lee Woolwine, District Attorney of the County of Los Angeles,
California, defendant.

Notice.

To Hiram W. Johnson, Governor of the State of California; U. S.
Webb, Attorney General of the State of California; Thomas Lee
Woolwine, District Attorney of the County of Los Angeles, State
of California:

You and each of you will take notice that the plaintiff herein by
his attorney, will make application to the Honorable Judges of the
District Court of the United States, in and for the Southern District
of California, Southern Division, sitting at Los Angeles, California,
on the 28th day of March, 1916, at the Federal Court House, in
the City of Los Angeles, in the State of California, at ten
72 o'clock A. M., on said day, for an interlocutory injunction
herein restraining the defendants above named and each of
them, from in any manner enforcing or attempting to enforce the
provisions of a certain Act passed by the Legislature of the State of
California, at its Fortieth Session, which began on Monday, January
6th, 1913, and which adjourned on Tuesday, May 12, 1913, and
which said Act was approved by the Governor on June 2, 1913, and
went into effect August 10th, 1913, designated as Chapter 354 of the
Statutes and Amendments to the Codes of California, and entitled,
"An Act to regulate the examination of applicants for license, and
the practice of those licensed, to treat diseases, injuries, deformities
or other physical or mental condition of human beings; to establish
a board of medical examiners to provide for their appointment and
prescribe their powers and duties, and to repeal an Act entitled "An
Act for the regulation of the practice of medicine and surgery,
osteopathy, and other systems and modes of treating the sick or
afflicted, in the State of California, and for the appointment
of a board of medical examiners in the matter of said regulation,
approved March 14, 1907, and acts amendatory thereof, and also

to repeal all other Acts and parts of Acts in conflict with this Act, also that certain Act passed by the Legislature of the State of California at its Forty-first Session which began on Monday, January 4th, 1915, and adjourned on Sunday, May 9th, 1915, which was approved by the Governor on April 24th, 1915, and went into effect

August 8th, 1915, designated as Chapter 105 of the Statutes and Amendments to the Codes of California, and entitled:

73 "An Act to amend an Act entitled, 'An Act to regulate the examination of applicants for license, and the practice of those licensed to treat diseases, injuries, deformities or other physical or mental condition of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties and to repeal an Act entitled, 'An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, and Acts amendatory thereof, and also to repeal all other Acts and parts of Acts in conflict with this Act, approved June 2, 1913, by amending Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 17, and 18, and adding a new section thereto to be numbered twelve and one-half relating to the practice of chiropody in so far as the said Acts effect the right of complainant to pursue his profession as a drugless practitioner, according to the Bill of Complaint filed herein, a copy of which is herewith served upon you.

And that at the same time and place and pending the hearing and determination of said application for an interlocutory injunction, the plaintiff will ask that a temporary restraining order issue herein under the provisions of Section 266 of the Judicial Code of the United States.

Dated at Los Angeles, California, this, the 6th day of March, 1916.

TOM L. JOHNSTON,
Solicitor for Plaintiff.

74 (Endorsed:) No. C. 18. Eq. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Affidavit of Service of Notice and Copy of Bill of Complaint. Filed Mar. 16, 1916. Wm. M. Van Dyke, Clerk, by R. S. Zimmerman, Deputy Clerk.

75 In the District Court of the United States in and for the Southern District of California, Southern Division.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendants.

Affidavit.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

Vincent S. Brown being first duly sworn, deposes and says: That he is a resident of the City and County of San Francisco, State of California; that he is over the age of 21 years, and is not interested in the subject matter of the above entitled action, or connected with any of the parties thereto; that on the 9th day of March, 1916, he served upon the Honorable U. S. Webb, Attorney General of the State of California, in the City and County of San Francisco, a notice, a copy of which is hereto attached and made a part of this affidavit; and that at the time of the said service of said notice, he also served upon the Honorable U. S. Webb, Attorney General of the State of California, in the City and County of San Francisco, a copy of the Bill of Complaint herein.

76

VINCENT S. BROWN.

Subscribed and sworn to before me this 9th day of March, 1916.

[SEAL.]

EDITH W. BURNHAM,

Notary Public in and for the City and County of San Francisco, State of California.

My Commission expires January 30, 1918.

77 In the District Court of the United States in and for the Southern District of California, Southern Division.

In Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendant.

Notice.

To Hiram W. Johnson, Governor of the State of California; U. S. Webb, Attorney General of the State of California; Thomas Lee Woolwine, District Attorney of the County of Los Angeles, State of California:

You and each of you will take notice that the plaintiff herein by his attorney, will make application to the Honorable Judges of the District Court of the United States, in and for the Southern District of California, Southern Division, sitting at Los Angeles, California, on the 28th day of March, 1916, at the Federal Court House, in the City of Los Angeles, in the State of California, at ten
78 o'clock A. M., on said day, for an interlocutory injunction herein restraining the defendants above named and each of them, from in any manner enforcing or attempting to enforce the provisions of a certain Act passed by the Legislature of the State California, at its Fortieth Session, which began on Monday, January 6th, 1913, and which adjourned on Tuesday, May 12, 1913, and which said Act was approved by the Governor on June 2, 1913, and went into effect August 10th, 1913, designated as Chapter 354 of the Statutes and Amendments to the Codes of California, and entitled, "An Act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities or other physical or mental condition of human beings; to establish a board of medical examiners to provide for their appointment and prescribe their powers and duties, and to repeal an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, and acts amendatory thereof, and also to repeal all other Acts and parts of Acts in conflict with this Act, also that certain Act passed by the Legislature of the State of California at its Forty-first Session which began on Monday, January 4th, 1915, and adjourned on Sunday, May 9th, 1915, which was approved by the Governor on April 24, 1915, and went into effect August 8th, 1915, designated as Chapter 105 of the Statutes and

79 Amendments to the Codes of California, and entitled: "An Act to amend an Act entitled, "An Act to regulate the examination of applicants for license, and the practice of those licensed to treat diseases, injuries, deformities or other physical or mental condition of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties and to repeal an Act entitled, 'An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, and Acts amendatory thereof, and also to repeal all other Acts and parts of Acts in conflict with this Act, approved June 2, 1913, by amending Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 17, and 18, and adding a new section thereto to be numbered twelve and one-half relating to the practice of chiropody in so far as the said Acts effect the right of complainant to pursue his profession as a drugless practitioner, according to the Bill of Complaint filed herein, a copy of which is herewith served upon you.

And that at the same time and place and pending the hearing and determination of said application for an interlocutory injunction, the plaintiff will ask that a temporary restraining order issue herein under the provisions of Section 266 of the Judicial Code of the United States.

Dated at Los Angeles, California, this, the 6th day of March, 1916.

TOM L. JOHNSTON,
Solicitor for Plaintiff.

80 (Endorsed:) No. C. 18. Eq. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Affidavit of Service of Notice and Copy of Bill of Complaint. Filed Mar. 16, 1916. Wm. M. Van Dyke, Clerk, by R. S. Zimmerman, Deputy Clerk.

81 In the District Court of the United States in and for the Southern District of California, Southern Division.

P. L. CRANE, Plaintiff,
vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Affidavit.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

A. S. Adams being first duly sworn, deposes and says: that he is a resident of the City of Los Angeles, County of Los Angeles, State of

California; that he is over the age of 21 years, and is not interested in the subject matter of the above entitled action, or connected with any of the parties thereto; that on the 13th day of March, 1916, he served upon the Honorable Thomas Lee Woolwine, District Attorney of the County of Los Angeles, State of California, in the City of Los Angeles, a notice, a copy of which notice is hereto attached and made
 82 a part of this affidavit, and that at the time of the said service of said notice, he also served upon the Honorable Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, in Los Angeles, a copy of the Bill of Complaint herein.

A. S. ADAMS.

Subscribed and sworn to before me this 15 day of March, 1916.

[SEAL.]

FREDERICK W. SMITH,
*Notary Public in and for the County of
 Los Angeles, State of California.*

My commission expires December 7, 1918.

83 In the District Court of the United States in and for the Southern District of California, Southern Division.

In Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendant.

Notice.

To Hiram W. Johnson, Governor of the State of California; U. S. Webb, Attorney General of the State of California; Thomas Lee Woolwine, District Attorney of the County of Los Angeles, State of California:

You and each of you will take notice that the plaintiff herein by his attorney, will make application to the Honorable Judges of the District Court of the United States, in and for the Southern District of California, Southern Division, sitting at Los Angeles, California, on the 28th day of March, 1916, at the Federal Court House,
 84 in the City of Los Angeles, in the State of California, at ten o'clock A. M., on said day, for an interlocutory injunction herein restraining the defendants above named and each of them, from in any manner enforcing or attempting to enforce the provisions of a certain Act passed by the Legislature of the State of California, at its Fortieth Session, which began on Monday, January 6th 1913, and which adjourned on Tuesday, May 12, 1913, and which

said Act was approved by the Governor on June 2, 1913, and went into effect August 10th, 1913, designated as Chapter 354 of the Statutes and Amendments to the Codes of California, and entitled, "An Act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities or other physical or mental condition of human beings; to establish a board of medical examiners to provide for their appointment and prescribe their powers and duties, and to repeal an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, and acts amendatory thereof, and also to repeal all other Acts and parts of Acts in conflict with this Act, also that certain Act passed by the Legislature of the State of California at its Forty-first Session which began on Monday, January 4th, 1915, and adjourned on Sunday, May 9th, 1915, which was approved by the Governor on April 24, 1915, and went into effect August 8th, 1915, designated as Chapter 105 of the Statutes

85 and Amendments to the Codes of California, and entitled:

"An Act to amend an Act entitled, "An Act to regulate the examination of applicants for license, and the practice of those licensed to treat diseases, injuries, deformities or other physical or mental condition of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties and to repeal an Act entitled, 'An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, and Acts amendatory thereof, and also to repeal all other Acts and parts of Acts in conflict with this Act, approved June 2, 1913, by amending Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 17, and 18, and adding a new section thereto to be numbered twelve and one-half relating to the practice of chiropody in so far as the said Acts effect the right of complainant to pursue his profession as a drugless practitioner, according to the Bill of Complaint filed herein, a copy of which is herewith served upon you.

And that at the same time and place and pending the hearing and determination of said application for an interlocutory injunction, the plaintiff will ask that a temporary restraining order issue herein under the provisions of Section 266 of the Judicial Code of the United States.

Dated at Los Angeles, California, this, the 6th day of March, 1916.

TOM L. JOHNSTON,
Solicitor for Plaintiff.

86 (Endorsed:) No. C. 18. Eq. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson et al., Defendants. Affi-

davit of Service of Notice and Copy of Bill of Complaint. Filed Mar. 16, 1916. Wm. M. Van Dyke, Clerk, by R. S. Zimmerman, Deputy Clerk.

87 At a stated term, to-wit, the January Term, A. D., 1916, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, Held at the Court-room thereof, in the City of Los Angeles, on Saturday, the Eighth Day of April, in the Year of Our Lord One Thousand Nine Hundred and Sixteen.

Present: The Honorable Erskine M. Ross, Circuit Judge; The Honorable Oscar A. Trippet, District Judge, and the Honorable Edward E. Cushman, District Judge.

No. C-18. Equity.

P. L. CRANE, Complainant,

VS.

HIRAM W. JOHNSON, Governor of the State of California et al.,
Defendants.

Tom L. Johnston, Esq., appearing as counsel for complainant; Robert M. Clarke, Esq., Assistant to the Attorney General of the State of California, and George E. Cryer, Esq., Assistant District Attorney of the County of Los Angeles, California, appearing as counsel for defendants; this cause having heretofore been submitted to the court for its consideration and decision on a question as to the jurisdiction of this court herein; the court, having duly considered the same and being fully advised in the premises, now hand down their memorandum opinion thereon, and it is ordered that the challenge of the jurisdiction of this court in this suit be, and the same hereby is denied; and this cause thereupon coming on to be heard on complainant's motion for an interlocutory injunction; and said motion having been argued, in support thereof, by Tom L. Johnston, Esq., of counsel for complainant; it is thereupon by the court ordered that complainant's motion for an interlocutory injunction be, and the same hereby is denied.

88 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. In Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendants.

C-19. In Equity.

KATE P. McNAUGHTON, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendants.

Before Ross, Circuit Judge, and Trippet and Cushman, District Judges.

89 Upon the authority of the cases of William Truax, Sr., and others, against Mike Raich, (Advance Sheets Supreme Court, Nov. 1, 1915), and Raich v. Truax, 219 Fed. 273, 283, we think the jurisdiction of the District Court over the present suits is clear. We have, therefore, only to determine whether upon the bill the complainant is entitled to an interlocutory injunction.

The rule is well settled that the granting of such orders is within the sound discretion of the court, and in the exercise of such discretion, based upon the averments of the bills, we are of the opinion that the application should be denied. We do not understand that upon such an application as the present the court, composed, under statutory requirement, of the Judge of the District Court, of another District Judge and a Circuit Judge, is called upon, if, indeed, authorized, to decide the merits of the suits.

(Endorsed:) No. C-18-C-19-Eq. U. S. District Court, Southern District of California, Southern Division. P. L. Crane vs. Hiram Johnson et al. Kate P. McNaughton vs. Hiram Johnson et al. Memo. of Opinion of Court. Filed Apr. 8, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

90 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,

VS.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Petition for Appeal.

To the Honorable Oscar A. Tripet, Judge of the United States District Court in and for the Southern District of California, Southern Division:

The above named plaintiff, feeling aggrieved by the order rendered and entered in the above entitled cause on the 8th day of April, 1916, refusing plaintiff's application for an interlocutory injunction, appeals therefrom to the Supreme Court of the United States, for the reasons set forth in the assignment of errors filed herewith. Plaintiff prays that this appeal be allowed and that citation be issued as provided by law, and that the transcript of the record proceedings, and documents upon which said order was based,
91 duly authenticated be sent to the Supreme Court of the United States, sitting at Washington, in the District of Columbia, under the rules of that Court in such cases made and provided.

TOM L. JOHNSTON,
Attorney for Complainant.

(Endorsed:) No. C-18-Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Petition for Appeal. Received copy of within Petition this 10 day of April, 1916. U. S. Webb, Rob't M. Clarke, Thomas Lee Woolwine, Geo. E. Cryer, Tom L. Johnston, Esq., Attorney for Plaintiff. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

92 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,

VS.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of the County of Los Angeles, California, Defendants.

Assignment of Errors.

Now comes P. L. Crane, by his attorney, Tom L. Johnson, complainant herein, and makes and files the following assignment of errors upon his appeal to the Supreme Court of the United States from an order of the District Court in and for the Southern District of California, Southern Division, denying plaintiff's application for an interlocutory injunction.

The District Court erred in denying the order for the interlocutory injunction in this case for the following reasons, to-wit:

I.

That plaintiff's Bill of Complaint filed in the above entitled cause showed sufficient grounds for the granting of an interlocutory injunction.

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II.

That it appears from the face of plaintiff's Bill of Complaint that the plaintiff is entitled to an interlocutory injunction to restrain the enforcement of the Statute of the State of California, which denies to the plaintiff the equal protection of the law, and which is in controvention of his rights guaranteed him under the Fourteenth Amendment of the Constitution of the United States.

Wherefore, plaintiff prays that said order be reversed and the District Court in and for the Southern District of California, Southern Division, be ordered to enter an order granting plaintiff's application for an interlocutory injunction.

TOM L. JOHNSTON,

Solicitor for Complainant.

(Endorsed:) No. C-18-Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Assignment of Errors. Received copy of within Assignment this 10 day of April, 1916. U. S. Webb, Rob't M. Clarke, Thomas Lee Woolwine, Geo. E. Cryer, Tom L. Johnston, Esq., Attorney for Plaintiff. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

- 94 In the District Court of the United States in and for the Southern District of California, Southern Division.

No. C-18. Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Order Allowing Appeal and Fixing Bond.

The above named complainant having petitioned this Court for an appeal from the order and decree made in this cause on the 8th day of April, 1916 denying the application of plaintiff for an interlocutory injunction, the Court hereby grants the said appeal from said judgment and it is hereby ordered that the said appeal be granted upon the giving of a good and sufficient bond in the sum of Three hundred Dollars, to be approved by this Court for the payment of costs.

Done in open Court, this 12th day of April, 1916.

OSCAR A. TRIPPET,

Judge of the District Court of the United States in and for the Southern District of California, Southern Division.

- 95 (Endorsed:) No. C-18. Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Order Allowing Appeal and Fixing Bond. Received copy of within this 11th day of April, 1916. U. S. Webb, Attorney General; Robert M. Clarke, Deputy, Attorneys for Defendants. Thomas Lee Woolwine, Geo. E. Cryer. Tom L. Johnston, Esq., Attorney for Plaintiff. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

96 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California; Thomas Lee Woolwine, District Attorney of the County of Los Angeles, State of California, Defendants.

Bond on Appeal.

Know all men by these presents, That we, P. L. Crane, the Complainant and Rollo E. Goodrich of Los Angeles, State of California, and Samuel W. Thomas of Los Angeles, State of California, as sureties, are held and firmly bound unto the above named Hiram W. Johnson, Governor of the State of California, U. S. Webb, Attorney General of the State of California and Thomas Lee Woolwine, District Attorney in and for the County of Los Angeles, State of California, in the penal sum of three hundred dollars, (\$300.00) to be paid to the said parties, for the payment of which well and truly to be made, we bind ourselves, or each of us, our and each of our heirs, executors, administrators and successors jointly and severally, firmly by these presents.

97 Sealed with our seals and dated this 11th day of April, in the year of our Lord one thousand nine hundred and sixteen.

Whereas, the above named P. L. Crane has prosecuted an appeal to the Supreme Court of the United States to reverse the decree rendered in the above entitled suit by the District Court of the United States for the Southern District of California, Southern Division.

Now, Therefore, the conditions of this obligation is such that if the above named P. L. Crane shall prosecute said appeal to effect and answer all damages and costs, if he shall fail to make said appeal good, then this obligation shall be void, otherwise the same shall remain in full force and virtue.

P. L. CRANE.
ROLLO E. GOODRICH.
SAMUEL W. THOMAS.

Sealed and delivered, and taken and acknowledged, this, the 11th day of April, 1916, before me, Arthur L. Falloon, a Notary Public in and for the County of Los Angeles, State of California.

[SEAL.]

ARTHUR L. FALLOON,
Notary Public in and for the County of
Los Angeles, State of California.

The foregoing bond is approved this 12 day of April, 1916.

OSCAR A. TRIPPET,
District Judge.

98 (Endorsed:) No. C-18 Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendant. Bond on Appeal. Received copy of within this 11th day of April, 1916. U. S. Webb, Attorney General; Robert M. Clarke, Deputy, Attorneys for Defendants. Thomas Lee Woolwine, Geo. E. Cryer. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

99 In the District Court of the United States in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,
vs.

Hiram W. Johnson, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Order for Clerk to Certify Papers, Documents, et cetera, to the Supreme Court of the United States.

Plaintiff having made application for an appeal to the Supreme Court of the United States from the order of this Court denying plaintiff's application for an interlocutory injunction and said appeal having been duly allowed by order of this Court, now on motion of Tom L. Johnston, Attorney for the Complainant herein,

It is ordered, that the Clerk prepare and certify a transcript of the record in this case upon plaintiff's said appeal, and forward the same to the Clerk of the Supreme Court of the United States.

Dated this, the 10th day of April, 1916.

OSCAR A. TRIPPET,
Judge of the District Court.

100 (Endorsed:) No. C-18-Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Order for Clerk to Certify Papers, Documents, et cetera, to the Supreme Court of the United States. Received copy of within Order this 10th day of April, 1916. U. S. Webb, Robt. M. Clarke, Thomas Lee Woolwine, Geo. E. Cryer. Tom L. Johnston, Esq., Attorney for Plaintiff. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

101 In the District Court of the United States, in and for the Southern District of California, Southern Division.

C-18. Equity.

P. L. CRANE, Plaintiff,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

Præcipe for Transcript of Record on Appeal.

To William Van Dyke, Esquire, Clerk of the United States District Court in and for the Southern District of California, Southern Division:

You will please in accordance with the order and citation in the above entitled cause, prepare a transcript of the record, in this cause to be filed in the office of the Clerk of the Supreme Court of the United States, and include in said transcript on appeal the following pleadings, proceedings and papers on file, to-wit:

Bill of Complaint;

Opinion of Court on denying application for interlocutory injunction.

Petition for Appeal.

Order Allowing Appeal.

102 Assignment of Errors.

Citation on Appeal and Clerk's Certificate;

Notice of Application for Temporary Restraining Order; and Interlocutory Injunction;

Order Denying Interlocutory Injunction;

Præcipe for transcript of record on Appeal.

Order to Certify Transcript of Record;

Affidavit of Service of Assignment of Errors and Citation on Appeal.

Dated this, the 10th day of April, 1916.

TOM L. JOHNSTON,

Solicitor for Complainant.

(Endorsed:) No. c-18. In Equity. United States District Court, Southern District of California, Southern Division. P. L. Crane, Plaintiff, vs. Hiram W. Johnson, et al., Defendants. Præcipe for Transcript of Record on Appeal. Received copy of within Præcipe for Transcript this 10th day of April, 1916. U. S. Webb, Atty. General, Robt. M. Clarke, Deputy. Thomas Lee Woolwine, Geo. E. Cryer. Tom L. Johnston, Esq., Attorney for Plaintiff. Filed Apr. 12, 1916. Wm. M. Van Dyke, Clerk, by T. F. Green, Deputy Clerk.

103 In the District Court of the United States in and for the Southern District of California, Southern Division.

No. C-18. Equity.

P. L. CRANE, Complainant,

vs.

HIRAM W. JOHNSON, Governor of the State of California; U. S. Webb, Attorney General of the State of California, and Thomas Lee Woolwine, District Attorney of Los Angeles County, California, Defendants.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing one hundred and two (102) typewritten pages, numbered from 1 to 102, inclusive, and comprised in one (1) volume, to be a full, true and correct copy of the Bill of Complaint, Notices of Application for Interlocutory Injunction, with Affidavits showing service on each of the defendants, Minute Order Denying Application for Interlocutory Injunction, Memorandum Opinion of Court Denying Application for Interlocutory Injunction, Petition for Order Allowing Appeal, Assignment of Errors, Order Allowing Appeal and Fixing Bond, Bond on Appeal, Order for Clerk to Certify Papers, Documents, etc., to the Supreme Court of the United States, and Præcipe for Transcript of Record on Appeal, in the above and therein-entitled action, and that the same together constitute the record on appeal, as specified in the said Præcipe for Transcript of Record on Appeal, filed in my office on behalf of the appellant by his attorney of record.

104 I do further certify that the cost of the foregoing transcript is \$55.10, the amount whereof has been paid me by P. L. Crane, the Appellant herein.

In testimony whereof, I have hereunto set my hand and affixed the seal of said District Court of the United States of America, in and for the Southern District of California, Southern Division, this 25th day of April, in the year of our Lord one thousand nine hundred and sixteen, and of our Independence the one hundred and fortieth.

[Seal of the U. S. District Court, Southern District of California.]

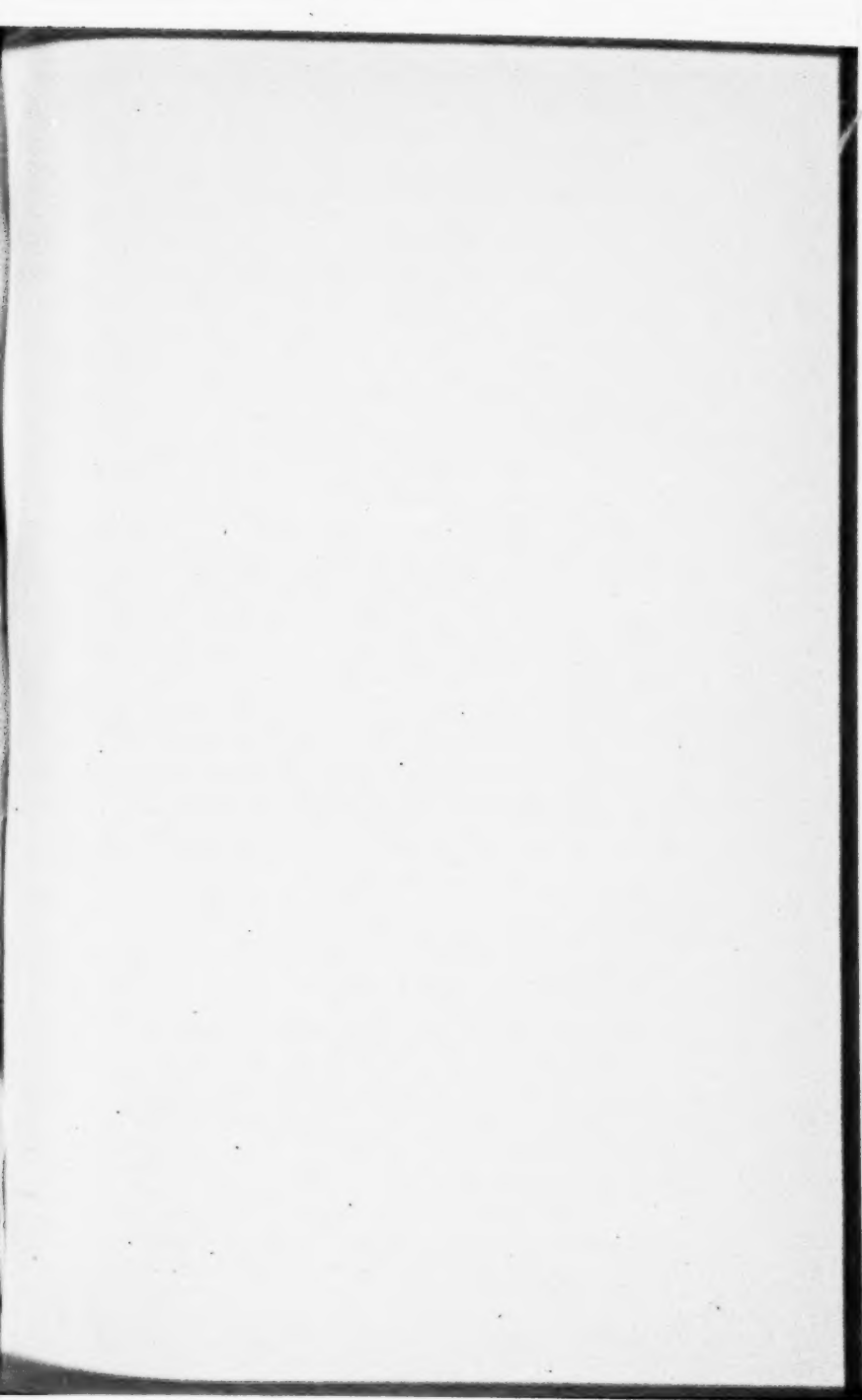
WM. M. VAN DYKE,

*Clerk of the District Court of the United States of America
in and for the Southern District of California,*
By LESLIE S. COLYER,

Deputy Clerk.

United States internal revenue documentary stamp, series of 1914, 10 cents, canceled 4, 25, 16. L. S. C.

Endorsed on cover: File No. 25,314. S. California D. C. U. S. Term No. 1031. P. L. Crane, appellant, vs. Hiram W. Johnson, Governor of the State of California, et al. Filed May 26th, 1916. File No. 25,314.





In the Supreme Court

OF THE

United States.

P. L. Crane,

Appellant,

vs.

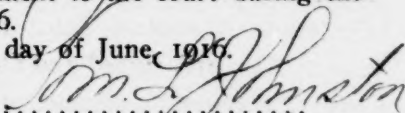
Hiram W. Johnson, Governor of
the State of California, U. S.
Webb, Attorney General of the
State of California, and Thomas
Lee Woolwine, District Attorney
of the County of Los Angeles,
State of California,

Appellees.

Stipulation and Agreement to Advance.

It is hereby stipulated and agreed by counsel
for the respective parties hereto that notice of
motion to advance the above-entitled cause is
hereby waived and that the court may advance
the above-entitled cause for hearing at the
earliest day convenient to the court during the
October term, 1916.

Dated this 20th day of June, 1916.



Attorney for Appellant.

U. S. WEBB
ROBERT M. CLARK
THOMAS LEE WOOLWINE
GEORGE E. CRYER
CHIEF DEPUTY

Attorneys for Appellees.

In the Supreme Court OF THE United States.

P. L. Crane,

Appellant,

vs.

**Hiram W. Johnson, Governor of
the State of California, U. S.
Webb, Attorney General of the
State of California, and Thomas
Lee Woolwine, District Attorney
of the County of Los Angeles,
State of California,**

Appellees.

Motion by Appellant to Advance.

Comes now the appellant in the above-entitled cause, the appellees consenting, as evidenced by stipulation of counsel dated the 20th day of June, A. D. 1916, signed and filed herewith, and moves the court to advance the above-entitled cause for hearing to an early day convenient to the court during the October term, 1916, the reasons prompting this motion are as follows:

The above-entitled cause involves the constitutionality of an act of the legislature of the state of California, known as the Medical Prac-

tice Act, and this suit was brought by the appellant herein under section 266 of the Judicial Code of the United States, which provides that cases brought under this section shall take precedence over all other business, and the hearing of same shall be in every way expedited.

Wherefore, it is prayed that this application to advance the above-entitled cause for hearing at an early date convenient to the court during the October term, 1916, be allowed.

Respectfully submitted,

Tom L. Johnston
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Counsel for Appellant.